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REMARKS

Claims 1 and 19 have been amended. Claims 2 and 3 have been cancelled. Claims 1 and 4-20 remain pending. Reconsideration and reexamination of the application are requested.

Claims 1-4, 6, 10, 14, 15, 19 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura (US 7,035,177). Applicants respectfully traverse this rejection.

Matsuura discloses that ". . . information can be precisely recorded and reproduced by detecting aberration derived from each of causes such as thickness variation of a substrate, a tilt, . . . and by correcting the respective causes [on] the basis of the detected aberration." (See Column 2, lines 43-50). Matsuura further discloses that ". . . the apparatus for correcting aberration of this invention . . . [detects] aberrations derived from each of various causes and for correcting the respective causes, wherein the aberration correcting part includes at least one photodetector for outputting aberration detection signals corresponding to the respective causes; and at least one controller selected from a tilt controller for correcting a tilt, a thickness/focus controller for correcting thickness variations of a substrate and a focus error, and a tracking controller for correcting a tracking error." (See Column 5, lines 3-15). Accordingly, the "THICKNESS/FOCUS CONTROLLER" 13 shown in FIG. 1 does not correct a tilt-related aberration.

Claims 1-4, 6, 10, 14, 15, 19 and 20 require tilt-related-aberration correction means that act according to both of "information concerning a tilt of the optical recording medium" and "information concerning a substrate thickness of the optical recording medium." Matsuura does not disclose such an element, since as noted above the thickness focus controller is not related to tilt-related-aberration correction. Accordingly, the claims 1-4, 6, 10, 14, 15, 19 and 20 are not anticipated, but rather patentable over the reference.

Claims 1, 6, 9, 10, 13, 14, and 16-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Ogasawara (US 6,141,304). Applicants respectfully traverse this rejection. Claims 1 and 19 include features of claim 3, which was not rejected. Applicants are not conceding the correctness of the rejection.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Matsuura or Ogasawara, as separately applied to claim 1 in further view of Nakamura et al. (WO-00/79525). Applicants respectfully traverse this rejection.

The rejection contends that either one of Matsuura or Ogasawara discloses the invention as claimed except for a memory to the driving amount determining means in which information concerning the riving amount for the tilt-related-aberration correcting means that is necessary for correcting an aberration that occurs due to a tilt of the optical recording medium is stored. Applicants respectfully disagree.

As stated above, Ogasawara and Matsuura fails to disclose the invention as claimed. Additionally, even when combined with Nakamura et al., the combination of these references does not teach or suggest every element of claim 5.

Regarding Nakamura et al., Applicants respectfully note that Nakamura et al. was issued a U.S. patent (US 6,990,055) based on the PCT application cited by the Examiner. This U.S. patent may be better understood by the Examiner as the entire patent is disclosed in English, as compared to the PCT publication which only the abstract is in English.

The rejection contends that Nakamura et al. discloses that "tilt adjustment . . . is set for each information surface" in a memory, for the purpose of rapidly determining the initial tilt adjustment necessary for the optical head upon accessing an information surface of the recording medium. Applicants respectfully disagree.

As the "tilt adjustment" is "set" for "each" layer, Nakamura et al.'s device on a single layer optical disc would have a single "set" tilt angle. Nakamura et al. discloses that ". . . the tilt position is set for each of the plural data layers based on output from the convergence detection means." (Column 4, lines 33-35) Additionally, Nakamura et al. discloses that the "intensity of light emitted and the recording waveform during the

recording are separately set." (See abstract) Accordingly, what is stored in memory not the "tilt adjustment" but the separately set "power levels [of the laser] learned for recording to the second layer when the first layer is blank." (Column 27, lines 62-64; See also FIG. 32) Furthermore, Nakamura et al. does not teach or suggest that the "set" tilt angle is stored in "memory." Accordingly, claim 5 is patentable over either one of Matsuura or Ogasawara in further view of Nakamura et al.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, as applied to claim 6 in further view of Nagasato (US 6,259,665). Applicants respectfully traverse this rejection.

The rejection contends that Ogasawara discloses the invention as claimed except for a tilt detection means without a detached tilt detecting sensor. Applicants respectfully disagree.

As stated above, Ogasawara fails to disclose the invention as claimed. Additionally, even when combined with Nagasato, the combination of these references does not teach or suggest every element of claim 7. Accordingly, claim 7 is patentable over Ogasawara in further view of Nagasato.

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, as applied to claim 6 in further view of Paku (JP-2000348362). Applicants respectfully traverse this rejection.

The rejection contends that Ogasawara discloses the invention as claimed except for a tilt detection means which detects focus zero-crossing positions at two certain points in a radial direction of the optical recording medium, and detects a tilting amount of the optical recording medium based on a difference between values of a focus search voltage at the two points, the focus search voltage being a voltage for detecting the focus zero-crossing position. Applicants respectfully disagree.

As stated above, Ogasawara fails to disclose the invention as claimed. Additionally, even when combined with Paku, the combination of these references does

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not teach or suggest every element of claim 8. Accordingly, claim 8 is patentable over Ogasawara in further view of Paku.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura, as applied to claim 10 in further view of Shingo et al. (JP-2000020993). Applicants respectfully traverse this rejection.

The rejection contends that Matsuura discloses the invention as claimed except for a substrate thickness detecting means which further includes a second light source different from the recording/reproducing light source. Applicants respectfully disagree.

As stated above, Matsuura fails to disclose the invention as claimed. Additionally, even when combined with Shingo et al., the combination of these references does not teach or suggest every element of claim 11. Accordingly, claim 11 is patentable over Matsuura in further view of Shingo et al.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance for claims 1, 4-20. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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Respectfully submitted,

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